

decision on Hudson, they do not preclude the possibility that Eckstein had misheard or misinterpreted what Babbitt said.⁸⁰³

2) Babbitt's Asserted Purpose for Invoking Ickes's Name Undermines His Subsequent Insistence that He Did Not Tell Eckstein the Decision Had to Be Issued "That Day"

Babbitt's own explanation – that he was using a “white lie”⁸⁰⁴ to get Eckstein out of his office – makes less credible his unequivocal assertions about the words he used. If, as Babbitt asserts, he invoked Ickes as a polite way to end his meeting with Eckstein, it seems logical that Babbitt would convey to Eckstein the sense that Ickes – and not Babbitt – was driving the process, that the timing of the decision was out of Babbitt's hands, and that it had to be acted upon immediately. Babbitt himself offered support for this view:

Sen. Collins: How would that have prompted Mr. Eckstein to end the meeting and exit your office, which was your goal? I do not understand if all you were saying is I have to do my job, Harold Ickes expects me to do my job. Why would that prompt him to end the meeting which was your goal?

Secretary Babbitt: My intention was to say, look, this decision has got to be made. It is overdue, and now is the time to make it.⁸⁰⁵

Babbitt asserts that he would not have told a lie that suggested an actual conversation between him and Ickes. But the logic of what Babbitt himself says he was trying to accomplish in that conversation is strong evidence of the likely terms he would have chosen. The fact that Babbitt

⁸⁰³Presumably, Babbitt's defense at any trial would avoid arguing recent fabrication, and argue instead that Eckstein from the beginning misinterpreted or misheard Babbitt's comments.

⁸⁰⁴Babbitt G.J. Test., July 7, 1999, at 136, 151-52.

⁸⁰⁵Babbitt Senate Test. at 266-67.